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DIV. HAZARDOUS MATERIALS MANAGEMENT

EPA Region 5 Records Ctr.



RMI Company, Sodium Plant

Vice President-Engineering RMI Titanium, RMI Company

Consent Agreement and Final Order

OH 000810242

Docket No. V-W-82-R-022

Dear Mr. Gerardy:

2 2 AUG 1983

P.O. Box 269

Mr. B. J. Gerardy

Niles. Ohio 44446

This is to acknowledge receipt of the Consent Agreement and Final Order signed by you. A fully executed copy of each Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner, Chief Technical, Permits and Compliance Section

Enclosure

Richard Shank, Chief cct Enforcement, DHMM Ohio Department of Natural Resources

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AUG 3 1 1983

OHIO ENVIRONMENTAL PROTECTION AGENCY N. E. D. O.

IN THE MATTER OF:

RMI COMPANY SODIUM PLANT Ashtabula, Ohio EPA ID No. OHD 000810242 DOCKET NO. V-W-82-R-022 CONSENT AGREEMENT AND FINAL ORDER

A Complaint was filed pursuant to Section 3008(a)(1) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, (RCRA or the Act), 42 U.S.C. 6928(a)(1), and the U.S. Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (hereinafter U.S. EPA). The Respondent is the RMI Company, Sodium Plant.

The parties to this action being desirous to settle this action enter into the following stipulations:

- 1. Respondent has been served with a copy of the Complaint with Notice of Opportunity for Hearing on this matter, and the Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. §6928.
- 2. Respondent owns and operates an existing hazardous waste management facility, as defined by 40 CFR Part 260.10.

- 3. Respondent conducts open burning of metallic sodium waste, a hazardous waste, at its sodium plant in violation of 40 CFR 265.382. Section 265.382 prohibits open burning of hazardous waste except for the open burning and detonation of waste explosives. Respondent's metallic sodium waste is not a waste explosive.
- 4. Respondent filed a Part A permit with U.S. EPA for operation of a hazardous waste management facility on August 25, 1981.
- 5. This Agreement and Order sets forth the complete understanding and agreement of the parties with respect to the subject matter hereof.
- 6. Respondent consents to the issuance of the Order hereinafter recited.

ORDER

- A. Respondent, RMI Company, Sodium Plant, shall, effective immediately, maintain compliance with the following requirements:
 - 1. Evaluate the various alternatives for the elimination of open burning at the Sodium Plant, with reports to be filed with U.S. EPA, for review and approval, Attention: Greg Weber, Waste Management Branch (5HW), 230 S. Dearborn, Chicago, Illinois 60604, as follows:
 - a. An initial progress report outlining the various alternatives and describing the alternative that will be implemented shall be filed with U.S. EPA not later than December 1, 1983.

- A second progress report containing the preliminary engineering design for the selected alternative shall be filed not later than February 1, 1984.
- The final report containing the final engineering, design, and construction schedule for the selected alternative shall be filed not later than March 20, 1984.
- The Part A permit application submitted by Respondent on August 25, 1981, shall, pursuant to 40 CFR 122.22(a)(3), be accepted as if it timely ... filed.
- Nothwithstanding any other provision of this Agreement or Order, an enforcement action could be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA find the handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment.

Agreed to this	day of august 1953
Respondent	
Vice President-Engineering Title RMI COMPANY	
Agreed to this	day of A way 1983.
Vint duntan	
Basil G. Constantelos, Director Waste Management Division Complainant	

U.S. Environmental Protection Agency

Region V